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# Hulk Hogan Sex Tape Earned Gawker Up To \$15M, Jury Told

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Law360, Los Angeles (March 11, 2016, 7:43 PM EST) -- Gawker's blog post containing wrestling icon Hulk Hogan's secretly recorded sex tape boosted the news and gossip site's value by \$5 million to \$15 million by attracting Web traffic and strengthening its brand, an intellectual property valuation expert told jurors Friday at the conclusion of the wrestler's case in Florida court.

Jeff Anderson of Consor, an intellectual property asset management firm, told jurors in St. Petersburg that Web search data and Gawker's site traffic show an increase in searches for "Gawker" and a spike in the site's unique visitors when the website published the video in October 2012.

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Jeff Anderson of Consor, an intellectual property asset management firm, told jurors in St. Petersburg, Florida that web search data and Gawker's site traffic show an increase in searches for "Gawker" and a spike in the site's unique visitors when the website published the video in October 2012.

"The page views that really add the most value are those that can go viral through social media, Twitter, Facebook, even on television," Anderson said. "It's those provocative stories such as an exclusive celebrity sex tape ... of Hulk Hogan that can drive value."

Anderson said that the website's "fair market value" is \$286 million. Another one of the wrestler's experts, digital marketing strategist Shanti Shunn, testified that the sex tape on Gawker's website was played about 4.5 million times.

Jeff Anderson of IP asset management firm Consor testifies in the Hulk Hogan sex tape case Friday. Video from the <u>Courtroom View Network</u>.

The numbers, graphs and testimony presented to jurors capped the case by Hogan, whose legal

name is Terry Bollea, on the fifth day of trial in his privacy and right of publicity suit over Gawker's publication of a video showing the pop-culture icon having sex with his best friend's wife in 2006.

Bollea has said he didn't know he was being recorded and is seeking \$100 million.

The video showed a sexual encounter between him and Heather Clem. At the time, Clem was married to disc jockey Todd Alan Clem, known as Bubba the Love Sponge, who willingly agreed to the assignation.

Bollea said that he didn't know the Clems were taping the rendezvous at the time. The video was eventually leaked to third parties and obtained by Gawker, which published excerpts of the footage.

<u>World Wrestling Entertainment Inc</u>. later fired Bollea amid media reports that the full sex tape captured him using racist language.

Bollea initially sued Gawker in federal court but dropped the case and refiled his privacy claims, including a claim for misappropriation of the right of publicity, in Florida state court, where he had related claims pending against Heather and Todd Clem. Bollea settled with the Clems out of court but pursued his claims against Gawker.

Experts have said that the case presents some <u>profound questions about freedom of speech</u> and of the press in an era of relentless celebrity exposure and viral video, where new media companies are testing the limits.

At the <u>start of the trial</u>, Bollea himself took the stand wearing all black, including his trademark do-rag, and offered heartstring-tugging tales of betrayal and romantic woes — along with some strange arguments about the distinction between Bollea the private citizen and Hulk Hogan the ever-public pop culture icon.

In <u>one memorable exchange</u> during his cross-examination on Tuesday, Bollea told jurors that Hulk Hogan has a 10-inch penis, while he, Terry Bollea, does not.

And in a damaging deposition shown to jurors, former Gawker editor A.J. Daulerio said that he wouldn't publish a sex tape involving a child. When Bollea's attorneys asked him under what age the child would have to be, **Daulerio quipped**, "four."

After Bollea's case wrapped up on Friday, Gawker urged Judge Pamela Campbell to enter a directed verdict. The website's attorneys argued, among other things, that Bollea failed to show that he had suffered enough to prove his claims of "extreme emotional distress" and that Gawker founder Nick Denton should not be individually liable for

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the tape's publication because he did not personally publish it.

Campbell denied the motion.

Trial is set to resume on Monday morning, when Gawker will begin presenting its case. A spokeswoman for the website told reporters in an email Friday night that Gawker will call Daulerio and other employees as witnesses.

Bollea is represented by Kenneth G. Turkel and Shane B. Vogt of Bajo Cuva Cohen & Turkel PA, Charles J. Harder and Jennifer McGrath of Harder Mirell & Abrams LLP and David Houston.

Gawker is represented by Gregg D. Thomas and Rachel D. Fugate of <u>Thomas & LoCicero PL</u> and Seth D. Berlin, Michael D. Sullivan, Michael Berry, Alia L. Smith and Paul J. Safier of <u>Levine Sullivan Koch & Schulz LLP</u>.

The case is Bollea v. <u>Gawker Media LLC</u> et al., case number 12-012447-CI, in the Sixth Judicial Circuit Court of the State of Florida.

--Editing by Brian Baresch.

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